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[10121/00308-00-0044CON2]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : McAlister et al.  
Serial No. : 10/764,619  
Filing Date : January 26, 2004  
For : Stapling and Cutting in Resectioning for Full Thickness  
Resection Devices  
Group Art Unit : 3731  
Examiner : Gary Jackson

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A  
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BOSTON SCIENTIFIC SCIMED, INC. is the owner of 100% percent interest in the above-identified application and U.S. Patent No. 6,716,222. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,716,222. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 5, 2005

By: 

Oleg F Kaplun (Reg. No. 45,559)

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged,

☐ changed (if changed, an explanation should be supplied).



16569 U.S. PTO

[10121/00308]



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : **Gary McALISTER  
Robert L. SAKAL**

Serial No. : **To Be Assigned**

Filing Date : **Herewith**

For : **STAPLING AND CUTTING IN  
RESECTIONING FOR FULL THICKNESS  
RESECTION DEVICES**

Group Art Unit : **To Be Assigned**

Examiner : **To Be Assigned**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: New Patent Application

USPTO Customer No.: 30636  
(Please associate the application with this  
Customer No.)  
Attorney Docket No.: 10121/00308

Express Mail Certificate	
"Express Mail" mailing label no.	EV 323 424 536 US
Date of Deposit	<u>January 26, 2009</u>
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450	
name:	<u>Oleg F. Kaplan (Reg. No. 45,559)</u>
Signature	

**CONTINUATION APPLICATION REQUEST TRANSMITTAL  
LETTER UNDER 37 CFR 1.53(b)**

SIR:

Enclosed herewith please find the following:

1. **10 sheets of Specifications, 9 sheets of Claims and 1 sheet of Abstract.**
2. **14 sheets of Drawings.**
3. **Executed Assignment along with Recordation Cover Sheet and a check in the amount of 40.00.**

4. Executed Power of Attorney.
5. Executed Declaration.
6. Preliminary Amendment.
7. Returned Receipt Postcard.

**Claim Priority:**

Priority is claimed to U.S. Patent Application Serial No. 10/083,097 filed February 26, 2002 "Stapling and Cutting in Resectioning for Full Thickness Resection Devices" which is a continuation of application Serial No. 09/727,051, filed November 30, 2000, entitled "Stapling and Cutting in Resectioning for Full Thickness Resection Devices". The entire disclosure of these prior applications, from which a copy of the declaration, power of attorney and assignment supplied, are considered as being part of the disclosure of the accompanying application and are hereby expressly incorporated by reference herein.

Please charge the deposit account of **Fay Kaplun & Marcin, LLP**, deposit account no. **50-1492** in the amount of **\$770.00** for the filing fee calculated as shown below:

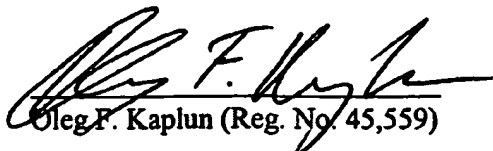
	NUMBER FILED	NUMBER EXTRA	Rate (\$)	FEE (\$)
PATENT APPLICATION - BASIC FEE				770.00
TOTAL CLAIMS	16 - 20 =	0	18.00	
INDEPENDENT CLAIMS	3 - 3 =	0	86.00	
MULTIPLE DEPENDENT CLAIM PRESENT				0.00
Number extra must be zero or larger			TOTAL	770.00
If applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	

The Commissioner is hereby authorized to charge the payment of any additional fees associated with this communication or arising during the pendency of this application, with the exception of the issue fee, to the Deposit Account of **Fay Kaplun & Marcin, LLP No. 50-1492**.



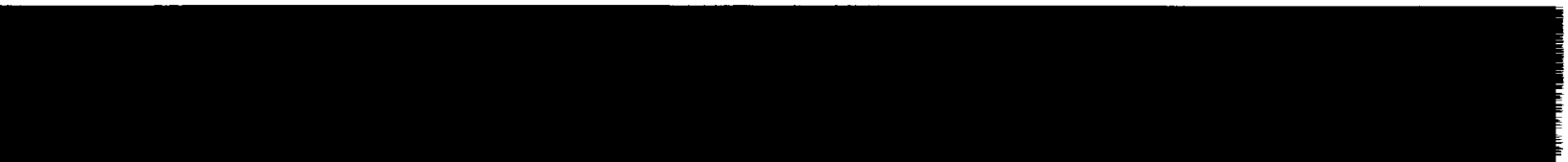
When payment of the issue fee has previously been provided or authorized, the Commissioner is hereby authorized to charge any post issuance fees required, except for patent maintenance fees, to the Deposit Account of **Fay Kaplun & Marcin, LLP No. 50-1492**. A copy of this transmittal letter is enclosed for Deposit Account purposes.

Date: January 26, 2004

By:

  
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038



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